



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:

A 7221 (PWR-PA)

SEP 13 2010

Ms. Tess Elliott
Point Reyes Light
P.O. Box 210
Point Reyes Station, CA 94956

Dear Ms. Elliott:

This is in response to your Freedom of Information Act (FOIA) request dated June 15, 2010, and sent to National Park Service (NPS) FOIA Officer Charis Wilson. Your request was forwarded to the Pacific West Region for evaluation and response. The Department of the Interior tracking number for this request is NPS-2010-00761. Please include this number in future correspondence regarding your request.

You requested documents and communications pertaining to an NPS document entitled:

*Briefing Statement – National Park Service Response to
Goodman's January 18, 2009 Letter to NRC
May 1, 2009*

In response to your original request, on July 6, 2010, we sent you an interim response to clarify search terms and key word phrases that we would apply in searching electronic mail files. We proposed to use the following search phrases in the subject line, text, enclosures, and attachments and requested your concurrence before we initiated the search.

- *Response to Goodman*
- *Response to Goodman's*
- *Goodman response*

In a July 20, 2010, electronic mail message to our Region's Acting FOIA Officer Kevin Killeen, you agreed to these proposed search phrases.

The NPS Briefing Paper document is publicly available online on the Marine Mammal Commission web site at: http://mmc.gov/drakes_estero/de_docs_12210.html

We have searched the hardcopy and electronic records, including electronic mail, of all the current and former employees at Point Reyes National Seashore and the Pacific West Regional Office, including former Superintendent Don Neubacher and former Regional Director (and now Director) Jonathan Jarvis. We have located and enclosed a number of documents responsive to your request.

We have redacted portions of certain documents because they reflect the personal opinions, recommendations, and advice of staff members, and were used to arrive at a final agency decision. Disclosure of such material would inhibit the open and candid expression of such views in similar future deliberations, could confuse the public as to the official agency position on an issue, and have a detrimental effect on our decision making process. Therefore, we are withholding the materials



pursuant to exemption 5 of the FOIA (5 U.S.C. 552(b)(5)), which permits an agency to withhold "interagency or intra-agency memorandums or letters that would not be available by law to a party . . . in litigation with the agency."

In addition, certain records have personal information redacted such as personal telephone numbers or electronic mail addresses. The Department maintains that the individuals identified in the records have privacy interests in withholding this information. We do not perceive, nor have you enunciated, any public interest that would be served in disclosing this data, which would outweigh the privacy interests of the subject individuals. The release of the individuals' names, addresses, telephone numbers, and/or electronic mail addresses would be a violation of their privacy. Therefore, we are withholding this information under exemption 6 of the FOIA (5 U.S.C. 552(b)(6)), which permits an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

If you consider this response to be a denial, you have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-7456, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later than 30 workdays after the date of this letter. A copy of your original request and this letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "Freedom of Information Appeal" both on the envelope and the face of the letter.

Alternatively, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

In addition to myself, Attorney Advisor Deborah Bardwick and Acting FOIA Officer Kevin Killeen participated in this decision. If you have questions about the processing of your FOIA request, Mr. Killeen can be reached at 206-220-4051.

Sincerely,



Christine S. Lehnertz
Regional Director, Pacific West Region

Enclosure